

Appendix B: TAP Program: Eligibility, Requirements, and Rating Criteria

This Appendix is organized into Sections as follows: TAP Categories 1-8; Additional Requirements; the Project Selection Process; and Rating Criteria.

Sponsors must meet the Basic Program Requirements A through G, found in the TAP-CMAQ Guidebook, Chapter 1 in addition to the TAP specific requirements contained in this Appendix. As discussed on Page 8 of the Guidebook, TAP projects must fall into one or more program categories to be eligible for funding under this program.

Detailed Description of TAP Project Categories: Category 1

1. Construction, Planning and Design of On-road and Off-road Facilities for Pedestrians, Bicyclists and Other Non-motorized Forms of Transportation		
<p><u>Eligibility Principle:</u> A facility for pedestrians and bicycles must be consistent with the provisions of federal law 23 USC 217,¹ which states:</p> <ul style="list-style-type: none">• Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Motorized vehicles cannot be permitted on trails and walkways except for:<ul style="list-style-type: none">○ Maintenance purposes;○ Snowmobiles, when snow conditions and state or local regulations permit;○ Motorized wheelchairs;○ Electric bicycles, when state or local regulations permit.• No bicycle project may be carried out unless it will be principally for transportation, rather than recreational, purposes. <p>NYS DOT extends the same transportation-oriented requirement to pedestrian facilities.</p> <p>Public access must be guaranteed for bicycle and pedestrian facilities. Bicycle and pedestrian facilities must connect activity centers such as businesses, schools, essential services, libraries, shopping areas, recreation areas, and residential developments, and/or provide a link in a continuous system which connects to such destinations. Connected networks provide increased transportation options, enhance access, and increase the utility of the existing transportation network.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none">• Does the facility serve trips which could otherwise be made by motor vehicles?• Does the facility enhance safety for pedestrians or bicyclists or fill a gap in a pedestrian, bicycle or other non-motorized shared-use path or trail network?• To what extent are the connecting locations (origin and destination) different and distinct?• What activity centers are connected or linked in a continuous system?		
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none">• Construction or reconstruction of sidewalks, walking trails/paths, multi-use paths.• Bicycle infrastructure, including but not limited to:<ul style="list-style-type: none">○ Adding and/or improving bike lanes on existing roadways and related striping.○ Adding and/or improving road shoulders to accommodate bicycles, and related signage.○ Installation of the following types of items at intermodal points and vehicular parking facilities: bike lockers, bike racks, parking facilities and shelters to accommodate bikes, etc.; and equipment or facilities to accommodate bikes on buses and trains.• Traffic control devices for bicyclists and pedestrians.• Protected crossings, high visibility crosswalks, pavement markings and signage.• Lighting and related safety infrastructure for pedestrian or bicycle facilities.		<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none">• Construction of closed loop track/mountain bike or similar trail.• Ice skating rink.• Spot sidewalk or trail repair, unless incidental.• Items considered recreation or park (gazebos, playground equipment, flagpoles, monuments, picnic facilities, etc.)• Roadway lighting or lighting and traffic signals that primarily benefit automobiles.

¹ <http://www.gpo.gov/fdsys/search/pagedetails.action?packageId=USCODE-2011-title23&granuleId=USCODE-2011-title23-chap2-sec217>

Detailed Description of TAP Project Categories: Category 2

2. Construction, Planning and Design of Infrastructure-Related Projects to Provide Safe Routes for Non-drivers to Access Daily Needs

Eligibility Principle: A facility providing safe routes for non-drivers must focus on providing safe access to daily needs, including access to transit, and be consistent with the provisions of federal law [23 USC 217](#), which states:

- Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians.
- No bicycle or pedestrian project may be carried out unless it will be principally for transportation, rather than recreational, purposes.

Public access must be guaranteed for these facilities. Safe routes for non-drivers should focus on safety and access for non-drivers; and the proposed facilities must connect activity centers such as businesses, schools, libraries, shopping areas, recreation areas, and residential developments, and/or provide a link in a continuous system which connects to such daily needs destinations, including access to transit.

Regarding safety, please refer to the January 2012 FHWA publication, "[Guidance Memorandum on Promoting the Implementation of Proven Safety Countermeasures](#)"² which incorporates the latest safety research to advance techniques demonstrated to be greatly effective in improving the safety of "Medians and Pedestrian Crossing Islands," "Pedestrian Hybrid Beacons" and "Road Diets."

Guiding Questions:

- Does the facility serve trips for non-driving populations (i.e., children, older adults, and individuals with disabilities)?
- How does the facility enhance safety and improve access for non-drivers?
- Does this project address areas where traffic volumes are high, speed limits are high, and/or pedestrian or bicycle crashes have occurred in the past three to five years?
- Are there identified areas where pedestrian improvements will provide safe access to transit or daily needs?

Examples of Eligible Activities:

- Construction or reconstruction of sidewalks, transit shelters and transit stops providing access to daily needs.
- Bicycle infrastructure, focused on safety and access to daily needs, including but not limited to:
 - Adding and/or improving bike lanes on existing roadways and related striping.
 - Adding and/or improving road shoulders to accommodate bicycles.
 - Widening curb lanes to accommodate bicycles.
- Traffic calming techniques for the benefit of bicycle and pedestrian travelers, as appropriate for the proposed facility (see Chapter 25 of the Highway Design Manual³ and National Association of City Transportation Officials' Urban Street Design Guide (NACTO)⁴ for more information).
- Traffic control devices for bicycles and pedestrians, including MUTCD-compliant audible tactile signals.
- Protected crossings, high visibility crosswalks, pavement markings, and signage.
- Lighting and related safety infrastructure for pedestrian or bicycle facilities.

Examples of Ineligible Activities:

- Vehicular traffic signal installation or replacement, unless the Manual of Uniform Traffic Control Device (MUTCD) required engineering study and pedestrian warrants are met.
- Construction of closed loop track/mountain bike or similar trail.
- Ice skating rink.
- Spot sidewalk or trail repair, unless incidental.
- Items considered recreation or park (gazebos, playground equipment, flagpoles, monuments, picnic facilities, etc.).
- Planning and analysis studies that do not include an infrastructure construction project as part of the TAP application.
- Projects that primarily benefit automobiles and drivers, including park and ride facilities, traffic lights and roadway lighting that do not primarily benefit bicyclists, pedestrians and non-drivers, including construction of a vehicular roundabout.

² <http://safety.fhwa.dot.gov/provencountermeasures>

³ <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm>

⁴ <http://nacto.org/usdg/>

Detailed Description of TAP Project Categories: Category 3

3. Conversion and Use of Abandoned Railroad Corridors for Trails for Pedestrians, Bicyclists and Other Non-motorized Transportation Users	
<p><u>Eligibility Principle:</u> This category allows for the preservation of abandoned railway corridors for non-motorized public use, and permits the development and rehabilitation of privately owned rail corridors which are open to the general public without charge.</p> <p>The construction of a project must relate to surface transportation, and not be constructed solely for a recreational benefit and purpose. A project to allow trail use on or along the rail corridor shall be consistent with the provisions of federal law 23 USC 217, as described in Category 1: <i>Construction, Planning and Design of On-road and Off-road Facilities for Pedestrians, Bicyclists and Other Non-motorized Forms of Transportation</i>.</p> <p>Vehicular parking is an eligible item in cases:</p> <ol style="list-style-type: none"> 1) Where other parking of any kind is not available in the vicinity or where a safety hazard would otherwise be created; or 2) Where access is anticipated to be needed at high-demand trail access points, such as where a trail begins near or passes through a downtown or large residential area. <p>At trail convergence/intersections, familiarly known as “crossroads”, the intention is to provide parking areas or “pull-offs” where ad hoc parking on narrow shoulders would create a safety hazard.</p> <p>If the railroad corridor or portions of the corridor have been rail-banked under federal law 16 USC 1247(d),⁵ there must be an agreement stating that the corridor is subject to potential future restoration or reconstruction for railroad purposes. In these situations, there must be an agreement specifying repayment provisions if the restoration for railroad purposes takes place before the end of the economic or useful life of the TAP project.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Who is the current owner of the railway corridor property or parcels? Who is the proposed owner of the railway corridor/parcels if property acquisition is involved? • What easements or deed restrictions are in effect? Do they include any reversionary rights (not permitted by FHWA)? • Will there be an agreement to preserve and to protect the corridor? • If a railroad corridor has been rail-banked under 16 USC 1247(d), is there an agreement that the corridor is subject to restoration or reconstruction for railroad purposes in the future? • How does the facility enhance safety for pedestrians or bicyclists, especially at intersections with other surface transportation facilities? • How would the Sponsor manage existing and native vegetation within the corridor? • How does the proposed project connect viable communities? 	
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Design and acquisition of railroad rights of way including title search, appraisals, etc., as part of a pedestrian or bicycle infrastructure construction project. • Design and construction costs of a trail on a railroad right of way, e.g., drainage, surface preparation, paving, pedestrian bridges, signs, lighting, barricades, trailhead parking, and pullout areas immediately adjacent to the trail to view scenic or historic vistas. 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Projects not located within an abandoned railroad right of way. • Preservation of an abandoned rail corridor strictly for future use as an active rail line or highway. • Projects that cannot guarantee public access for the useful life of the constructed facility (short-term easements should be avoided). • Amenities such as restrooms, picnic tables and trailhead buildings/structures; including visitor centers, welcome centers and kiosks, entertainment pavilions. • Projects solely to preserve abandoned railroad right of way without creating a non-motorized transportation facility. • Motorized trail facilities. • Maintenance and upkeep activities.

⁵ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title16/pdf/USCODE-2011-title16-chap27-sec1247.pdf>

Detailed Description of TAP Project Categories: Category 4

4. Construction of Turnouts, Overlooks and Viewing Areas		
<p><u>Eligibility Principle:</u> The construction of overlooks and viewing areas should be consistent with Scenic Overlooks defined in 23 CFR 752.6.⁶ The construction of turnouts, overlooks and viewing areas should serve to protect and to enhance a federal- or state-designated scenic byway or a highway listed on, or eligible for listing on, the National and/or State Register of Historic Places. TAP funds may be used only for surface transportation activities which will protect and enhance the scenic and historic integrity and visitor appreciation of an existing highway or adjacent area.</p> <p>The project application must contain an independent confirmation that the highway possesses the values described above. Such independent confirmation includes documentation that the highway is:</p> <ul style="list-style-type: none"> • A federal or state-designated scenic byway. • Listed on or is eligible for listing on the National and/or State Register of Historic Places. <p>The TAP Regional Local Project Liaison will engage the Regional Cultural Resource Coordinator to assist in the consultation process regarding the National Register status of the highway.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Is the highway a federal- or state-designated scenic byway? Is it included in a NYSDOT approved Scenic Byway Corridor management Plan? • Is the highway listed on, or eligible for listing on the National and/or State Register of Historic Places? • What is the scenic or historic authenticity and integrity of the highway? • How would these scenic or historic qualities be preserved and protected? • What are the scope, purpose and goals of the scenic or historic highway program? <p>How does the program or facility advance the implementation of the scenic or historic highway program to serve the traveling public?</p>		
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Restoration of historic highway-related safety features such as lighting, sidewalks, or retaining walls. • Installation or restoration of signage and historic markers related to scenic or historical sites. • Development of scenic overlooks on state-designated scenic byways or federal scenic byways. • Improvements to existing scenic overlooks on State designated scenic Byways, including provision of accessible spaces, interpretation of views, improved safety and circulation for all users, including pedestrians and bicyclists. • Access or transportation to a safety rest area (23 CFR 752.5) on a scenic or historic highway (applies to access to these facilities only, not to the buildings or welcome centers themselves). 		<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Ongoing administrative or operating expenses for scenic or historic highway program activities, use of consultants to help administer the program or to conduct general program training. • Staffing, operating and maintenance costs for a tourist or welcome center. • Construction of highway rest areas, community centers, general welcome centers and buildings, including restrooms and kiosks.

⁶ <http://www.gpo.gov/fdsys/granule/CFR-2010-title23-vol1/CFR-2010-title23-vol1-sec752-6/content-detail.html>

Detailed Description of TAP Project Categories: Category 5

5. Safe Routes to School		
<p><u>Eligibility Principle:</u> Safe Routes to School projects promote safe, healthy alternatives to riding the bus or being driven to school. Emphasis is on encouraging and enabling children to walk and/or bicycle to school safely. Sponsors are encouraged to coordinate infrastructure and non-infrastructure activities to support a comprehensive program and to address the “Five E’s” which are: Engineering, Encouragement, Education, Enforcement and Evaluation. Engineering projects should increase safety for children who currently walk and/or bicycle to school, or create safe routes to enable children to do so.</p> <p>All projects must be within a 2 mile radius of a K-8 school to be eligible under this category, AND must relate to walking and/or bicycling to/from homes to a K-8 school.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • How will this project provide the necessary infrastructure to enable children (in grades K-8) to walk and bicycle to school safely? How are potential bicycle-pedestrian and vehicle conflicts reduced or eliminated? • How are these children currently traveling to and from school? How will this proposal change habits to improve walking and bicycling to school? • How does the facility or program enhance safety and improve access for children and the general public? Does this project implement countermeasures to reduce high crash rates? • How does this project maximize the number of children who will be able to walk and bicycle to school? 		
<div> <div> <p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Construction or reconstruction of sidewalks, separate walking trails/paths, or multi-use paths not solely for recreation. • Bicycle infrastructure, including but not limited to: <ul style="list-style-type: none"> ◦ Adding and/or improving bike lanes on existing roadways and related striping. ◦ Adding and/or improving road shoulders to accommodate bicycles. ◦ Widening curb lanes to accommodate bicycles. ◦ Installation of the following types of items at schools: bike lockers, bike racks, parking facilities and shelters to accommodate bikes, etc. • Traffic control devices for bicycles and pedestrians, including MUTCD-compliant audible tactile signals. • High visibility crosswalks, pavement markings and signage. • Lighting and related safety infrastructure. • Traffic calming techniques for the benefit of bicycle and pedestrian travelers, as appropriate for the proposed facility (see Chapter 25 of the Highway Design Manual and National Association of City Transportation Officials’ Urban Street Design Guide for more information). • Encouragement activities to promote walking and/or bicycling to school, including Walk and Bicycle to School Days. • Educational activities, including educational curriculum and walk and/or bike safety programs for children in grades K-8. • Enforcement activities to ensure traffic laws are obeyed in the vicinity of the school, including safety patrols, crossing guard materials, or vehicle speed feedback signs. • Evaluation activities to quantify safety benefits and behavioral changes (i.e., participation in walking and bicycling to school programs). </div> <div> <p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Activities to promote bus safety; infrastructure to provide safer bus stops. • Infrastructure and activities for drop-off or pick-up by personal vehicle or buses. • Ongoing costs (such as those for law enforcement or crossing guard salaries). • Construction of a running/jogging track (closed loop), mountain bike or similar recreation trail or ice skating rink. • Spot sidewalk or trail repair, unless incidental to the construction or reconstruction of contiguous segments of sidewalk or trails. • Items considered for recreational users rather than transportation, such as gazebos, playground equipment, flagpoles, monuments, picnic facilities, binocular machines, etc. • Maintenance activities and snow removal. • Substitution of TAP funds for other types of federal-aid transportation funds on projects advanced by or through NYSDOT for work items listed under “Examples of Eligible Activities” above when such work items are already part of a highway construction or reconstruction project. • Projects not primarily benefitting children in grades K-8. </div> </div>		

Detailed Description of TAP Project Categories: Category 6

6. Construction, Planning and Design of Boulevards		
<p><u>Eligibility Principle:</u> Boulevards are walkable, low-speed (typically 35mph or less) divided arterial thoroughfares in urbanized environments, designed to carry both through and local traffic, pedestrians and bicyclists. Boulevards may provide high-ridership transit, as well as providing vehicle and pedestrian Access Management techniques.⁷ Boulevards are primary goods movement and emergency response routes. To be eligible for this category, the project must be proposed within the right of way of a former Interstate system route or other divided highway.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Is the proposed project in the right of way of a former interstate system route or other divided highway? • How does this project create a safe place for bicyclists and pedestrians? • How does this project integrate Complete Streets⁸ elements, and ensure convenience and mobility for all users? • How does this project integrate traffic calming measures and how are they appropriate for this facility? • How do Access Management techniques provide easier traffic movement and safety? • Does this project promote all forms of transportation, including transit, bicyclists, pedestrians, and vehicles? • Does this project promote context-sensitive solutions to enhance the community? 		
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Design, construction and planning of boulevards or other roadways largely in the right of way of former Interstate System routes or other divided highways. • Traffic calming measures for the benefit of bicycles and pedestrians, as appropriate for the proposed facility (see Chapter 25 of the Highway Design Manual for more information). • Context-sensitive bicycle and pedestrian facilities. • Complete Streets elements, including sidewalks, lane striping, bicycle lanes, paved shoulders, pedestrian control signals, bus pull-outs, raised crosswalks, ramps and traffic calming measures. • Lined trees to enhance pedestrian safety and vehicular traffic. 		<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Projects that are not within the right-of-way of a former Interstate system route or other divided highway. • Spot sidewalk or trail repair, unless incidental to the construction or reconstruction of contiguous segments of sidewalk or trails. • Items considered for recreational or park users rather than transportation, such as gazebos, playground equipment, flagpoles, monuments, picnic facilities, binocular machines, etc. • Substitution of TAP funds for other types of federal-aid transportation funds on projects advanced by or through NYSDOT for work items listed under “Examples of Eligible Activities” above when such work items are already part of a highway construction or reconstruction project.

⁷ http://www.ops.fhwa.dot.gov/access_mgmt/

⁸ <https://www.dot.ny.gov/programs/completestreets>

Detailed Description of TAP Project Categories: Category 7 (Sub-Category A)

Sub- Category A: Community Improvement Activities (Includes Landscaping and Streetscape Improvements)		
<p><u>Eligibility Principle:</u> <i>In conjunction with another eligible TAP Category</i>, Community Improvement Activities can include elements of streetscaping and landscaping <i>in conjunction with another eligible TAP category</i>. Projects shall enhance the aesthetic, ecological infrastructure, or resources along a highway, other transportation corridor, or points of transportation access. Projects which fall within the boundaries of a historic district that is listed on or is eligible for listing on the National and/or State Register of Historic Places must be reviewed by the NYSDOT Regional Cultural Resource Coordinator during project development to ensure consistency with NYSDOT's established Section 106 procedures.</p> <p>Although TAP funds cannot be used for routine, incidental or maintenance activities, they can be used to fund the planning, design and construction phases of a landscaping or beautification project, <u>as long as it is part of a larger TAP project and the Sponsor can demonstrate how it relates to surface transportation.</u></p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • How does the project enhance the transportation infrastructure for the traveling public? • How does this project integrate Smart Growth⁹ criteria to manage resources, and minimize unnecessary costs of sprawl development? • How would the addition of these activities to an eligible project offer the traveling public a pleasing and memorable visual experience? • How would the natural and built elements work in harmony to enhance the natural, aesthetic or visual character of a site, corridor or community along a surface transportation facility and demonstrate sensitivity to the integrity of the place and context? • What best practices does the project use for vegetation management (such as using native plants and removing invasive species)? • What best practices or innovative designs does the project use for built elements? • What impact does the project have on transportation safety? 		
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Streetscape projects, including lighting, historic sidewalk pavers, benches, decorative walls and walkways, historical markers, etc. Plantings shall be considered if they serve a transportation purpose. • Landscaping along bike/pedestrian paths which serve a transportation function (i.e., are not solely for recreation). • Amenities such as bike parking, bike lockers, or trailhead parking, as part of a project under another primary TAP category. 		<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Routine maintenance activities such as grass cutting, tree pruning or removal, erosion control, annual plantings, etc. • Construction of noise barriers or drainage improvements (except those related to streetscape and pedestrian safety improvements). • Landscaping as a stand-alone project. • Landscaping outside of the transportation right of way. • Historic preservation projects that do not have a transportation purpose. • Historic replica projects. • Operation and maintenance costs. • Rest areas, restrooms, welcome centers and kiosks. • Public art and gateway treatments that do not establish a transportation purpose and relationship • Transportation museums.

⁹ <https://www.dot.ny.gov/programs/smart-planning/smartgrowth-law>

Detailed Description of TAP Project Categories: Category 8 (Sub-Category B)

Sub- Category B: Environmental Storm Water Management Activities		
<p><u>Eligibility Principle:</u> <i>In conjunction with another eligible TAP category</i>, eligible environmental mitigation activities must address storm water management. The project cannot substitute for environmental mitigation normally required under the National Environmental Policy Act (NEPA) and other regulations for federal aid projects. Refer to Chapter 7 of the PLAFAP, Overview of Environmental Process, for procedures on completing Environmental, Cultural Resources and Historic Preservation documentation.</p> <p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • What impact would the project have on transportation safety? • What long-term benefits are expected for the natural resources? What performance measures and/or evaluation methods will help determine if the project is successful? • How does this project relate to surface transportation? <p><u>Storm Water Management:</u></p> <ul style="list-style-type: none"> • How will water flow be diverted away from the transportation facility? • Is there a secondary impact that would benefit water quality? <p>What vegetation management strategies would be used to improve highway runoff water quality?</p>		
<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Planning, design and construction of environmental mitigation facilities, related to a TAP eligible project. • Installation of curbing, gutters, drainage structures, cross culverts, inlets or storm drains, permeable pavement, or bioswales, related to a TAP eligible project. • Creation of wetland(s), addition of vegetated ditches, detention basins or other permanent filtering systems to filter runoff to a sensitive area from a TAP eligible project. • Installation of drainage facilities to restore original drainage patterns to wetlands degraded by excavation and fill from a TAP eligible project. • Installation of a berm or closed drainage near drinking water wells to prevent salt intrusion from a TAP eligible project. • Permanent erosion control measures, such as stabilizing plantings, rip rap and velocity attenuators, where silt buildup is occurring in sensitive receiving water bodies from a TAP eligible project. 		<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Installation of mitigating facilities where there are no receiving sensitive receptors, i.e., residents or ecological habitat which has evidenced potential harmful effects of water pollution from highway runoff. • Installation of any facility, such as a detention basin, for which the sponsoring agency has not identified operating funds to perform required maintenance. • Cleanup activities, such as silt removal, without permanently fixing the drainage patterns which caused the excess silt. • Drainage improvements related to poor maintenance. • Large Culverts (between five and twenty feet in diameter). • Wildlife passages.

Examples of Ineligible Projects:

Examples of Ineligible Project Components (regardless of category):
<ul style="list-style-type: none">• Additional cost increases due to inaccurate budget estimates,• TAP Projects are ineligible for funding under the New York State Municipal Streets and Highway Program, also known as “Marchiselli Program,”• Full roadway repaving (including mill and fill),• Buildings (other than an overhead transit shelter), including welcome centers, rest rooms, rest areas, kiosks, Intermodal Transit Stations, and electronic displays,• Gateway treatments that do not include a transportation purpose,• Park and Ride automobile parking lots (other than what is reasonably expected for trail use under category 3),• Parking Lots,• Utility relocations,• Right of Way purchase and acquisition as a stand-alone project,• Grant administration, overhead and operating costs,• Maintenance activities, including repair, sweeping and snow removal,• Routine, incidental, maintenance or commercial activities,• Projects solely for recreational use (boat launch, fishing piers, playgrounds, tennis courts, trails with no logical termini),• Roundabouts, or any other engineering design where the pedestrian and/or bicyclist is not the primary beneficiary,• Public art (unless there is a transportation component),• Projects where snow and ice removal from the constructed project is not anticipated,• Wayfinding as a stand-alone project,• Lighting or traffic signals as a stand-alone project,• Lighting or traffic signals where the primary benefit cannot be established for bicyclists and/or pedestrians,• Planning studies, and• Stand alone drainage projects that are unrelated to the pedestrian and bicycle transportation project being proposed.

ADDITIONAL REQUIREMENTS

In addition to the project falling into one or more of the above categories, the TAP project must also meet the following requirements:

A. Proposed Project Must Relate to Surface Transportation¹⁰

Sponsors must describe how the proposed project relates to surface transportation on the Application. Projects that have a stronger relationship to surface transportation have a greater chance of being funded than those that do not. At a minimum in preparing the Application, use the following factors as a guide to help clearly explain the relationship of the proposed project to surface transportation as requirement. Factors to address in the Application include:

- The facility serves a current or past transportation purpose;
- The project enhances the aesthetic, cultural or historic aspects of the travel experience;
- The project is within the corridor of a New York State or federally designated Scenic Byway.
- The project’s proximity to the intermodal transportation system (i.e., highway or a pedestrian/bicycle corridor).
- The project provides a linkage to surface transportation and creates additional opportunities for travel.

¹⁰ For purposes of this TAP application round, surface transportation includes: highway, transit/train, and bicycle and pedestrian modes. Aviation, waterborne and military modes are NOT included.

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- The project connects communities, including origin and destination.

The Application requires specific and appropriate documentation, beyond proximity, to establish the relationship to surface transportation. The Sponsor must address questions about the proposed project, including but not necessarily limited to the following:

- In what way is the project related to surface transportation through present or past use as a transportation resource?
- What is the extent of the relationship(s) to surface transportation?
- What groups and individuals are affected by the relationship(s)? When did the relationship(s) start and end or do the relationship(s) continue?
- Is the relationship substantial enough to justify the investment of transportation funds?

B. Proposed Project Must Benefit the Public Interest

Projects must maintain the intended purpose of the project and remain accessible to the general public. Because TAP funds are public funds and must benefit the public interest, activities funded under TAP must:

1. Grant access and use to the general public. Access to the general public means more than simply a visual use or benefit. The amount of space dedicated to public use must be commensurate with the amount of federal funding approved for the project;

OR

2. Be targeted at a broad segment of the general public. Projects would fail the “broad segment” test if access to the facilities was limited to: members of a specific club or group; residents of a neighborhood, municipality or county; members of a specific segment of the public; or if excessive fees were charged for admission or use.

TAP funds are limited to the portions of the project which primarily benefit the public interest, privately or commercially used portions of a project must be funded with private investments.

Private Property and Facilities

Where private investment or joint-use activities are part of the proposed project, federal funds are limited to the portions of the project which benefit the public interest. Privately or commercially used portions of a project must have private investment. Funds can be used to finance projects to improve privately owned facilities provided there are enforceable agreements executed between NYSDOT, the project Sponsor and the facility owner which guarantee the project will function as intended and the proposed public access and/or use will be maintained for the useful life of the project.

User Fees

Generally, fees cannot be charged for access to any activities or projects funded with TAP funds. There may be limited situations, however, in which a minimal fee may be charged. An example might include admission fees to an interpretive movie shown at a tourist center. A fee may be appropriate where the proceeds from the charge are not excessive for the general public and, by agreement are instituted for the maintenance and operation of the TAP-funded resource, including a reserve for future major costs. The project Sponsor must estimate the useful life of the facility and its components and set aside sufficient funds for replacement or rehabilitation in the future.

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C. *Proposed Project Must Have Community Support*

Public involvement is a key component of the federal project development process and must be conducted in accordance with applicable rules and regulations in the event the project is selected for funding. As with all locally-administered projects, TAP projects require documentation of community support, especially in the areas where the physical infrastructure will be located. All applications must include documentation of public outreach/support.

PROJECT SELECTION PROCESS

Step 1: NYSDOT solicits project applications through:

- Invitations sent to all counties, cities, villages, towns, and appropriate state agencies in New York State. The invitation will request that local governments reach out to prospective Applicants within their boundaries.
- News releases sent to appropriate media in New York State.
- An announcement placed on the NYSDOT home page www.dot.ny.gov/index and on the NYSDOT TAP-CMAQ website www.dot.ny.gov/TAP-CMAQ, as well as in the NYS Contract Reporter and on the Grants Gateway.

NYSDOT Regions, together with the Metropolitan Planning Organizations (MPOs) within their jurisdictions, hold informational workshops subsequent to the announcement to inform prospective project Sponsors of program requirements, the application process and federal and state rules and regulations governing the implementation of TAP and CMAQ.

Sponsors are required to attend the TAP/CMAQ Informational Workshop in advance of applying for funds. Please be sure that the appropriate local official employed by the Sponsor's organization (i.e., someone who will have primary oversight of the project) attend this training. Attendance at one of these training session is required for the project to be reviewed for funding.

Projects will be selected and Sponsors notified via an award letter. If a project is not ready to be funded at the time of estimated project award (or adequate planning has not been completed), Sponsors should not submit an application.

Step 2: Sponsor prepares an Application. Detailed instructions for preparing the TAP-CMAQ Application, and the Application are provided in Appendices E and F respectively.

Step 2A: ***Optional: TAP-CMAQ Pre-Application Review Process:*** Sponsors may submit a [TAP-CMAQ Pre-Application Review Worksheet](#) to the NYSDOT Regional Office (see Appendix A for contact information) by **September 30, 2016. See Guidebook page 10 for details.**

Step 3: Applications must be submitted electronically to NYSDOT by **October 21, 2016 at TAP_CMAQ@dot.ny.gov**. (See Appendix E)

Step 4: Applications received by the deadline are reviewed by NYSDOT and, as appropriate the MPOs and/or FHWA to determine project eligibility. Only Applications and Projects meeting the eligibility requirements are progressed through the remaining steps.

Step 5: Applications are evaluated, rated, and prioritized by Regional TAP Evaluation Teams comprised of NYSDOT Regional personnel, MPO personnel within the respective regions; and if necessary to complete a team, NYSDOT Regions and MPOs may also

Appendix B: TAP Program: Eligibility, Requirements, and Rating Criteria

agree to include representatives of other state agencies, including Regional Economic Development Councils; regional planning commissions; Right-of-Way (ROW) professionals; and various interest groups, such as bike/pedestrian advocacy groups, as long as there are no conflicts of interest.

Each Region submits to the NYSDOT Main Office one (1) cooperatively developed, combined Regional/MPO ranked list.

Step 6: NYSDOT Main Office prepares priority lists using the Regional/MPO lists submitted, confirming eligibility with the FHWA Division Office. The lists of eligible projects are then submitted to the NYSDOT Commissioner.

Step 7: Any funds remaining after Regional/MPO priority projects are selected will be allocated by the NYSDOT Commissioner to “next-best” projects of regional or statewide significance (when programming remaining funds for such next-best projects, factors such as geographical balance among and within Regions and project type and cost-effectiveness will be taken into account). Next-best projects will be combined with fundable priority projects from the Regional/MPO lists into one statewide list.

Step 8: Project awards are announced via press release. Individual Sponsors are notified of award or non-award. No partial awards will be made. Sponsors will be awarded the full amount of TAP funds requested, except in cases where ineligible items were removed from the award.

Step 9: Working together, NYSDOT and the MPOs place the approved projects on the Statewide Transportation Improvement Program (STIP) and make TIP amendments or modifications as necessary.

While FHWA has an active role in supporting project eligibility determinations and will have the final say if there is disagreement over the eligibility of elements of a project scope, the responsibility for developing project selection and implementation processes rests primarily with the states. In New York State, the responsibility for soliciting proposals and evaluating, ranking and prioritizing applications rests jointly with NYSDOT and the MPOs.

PROJECT RATING CRITERIA

A well-planned, publicly-supported, informatively-written Application, with detailed and accurate cost estimates, which addresses the following project rating criteria, will compete effectively for limited TAP funding.

Project applications should emphasize information which supports the project rating criteria. Understanding the criteria also may give an indication of how a project may compete against other projects submitted for the program funding.

TAP Application Eligibility Review: (Pass/Fail)

Reviewers will determine whether the project application is timely and complete. Reviewers will assess the degree to which raters will be able to rate and rank the application based on the information provided. An Application is rated “Pass” if it meets all of the following criteria:

- The project application is complete, submitted by the deadline, and all application attachments and supporting documentation are included.

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- The project has an eligible sponsor.
- The project includes at least a 20 percent local match.
- The Sponsor has attended the TAP/CMAQ Federal Aid workshop.
- The project relates to surface transportation (not solely recreational).
- The project benefits the public interest through the provision of public access and use.
- The project has documented community support.
- The Sponsor demonstrated that the project can go to construction within 18 months.

Budget, Scope Accuracy, and Assurance of Match (20 percent):

This rating criterion considers the project scope in relation to the proposed budget, as well as federal requirements in relation to the cost. Reviewers will look at ROW documentation to determine if survey is needed and budgeted for accordingly.

- Detailed budget/estimate of project costs.
- Scope of the project.
- Is ROW required and budgeted?
- Are the project elements cost-effective in relation to the problems identified as needing to be addressed?
- Are funds identified to complete project?

Project Schedule, Process, and Project Deliverables (20 percent):

Review teams will consider the project and its proposed success in achieving schedule requirements. The submission of project deliverables will allow for a better assessment on where the project currently stands.

- Will the project progress to construction within 18 months?
- Are the estimates reasonable for the scope and in relation to the schedule/timeline for completion?
- Does the schedule and budget reflect the steps needed to fully execute a federal-aid transportation project?

The schedule should include all project phases: Preliminary Design, Final Design, Right of Way Activities, and Construction.

Alignment with Transportation Plans, Projects and Systems, Relationship to Transportation Alternatives Program and Surface Transportation (10 percent):

In general, this criterion focuses on the relationship to transportation and the Transportation Alternatives Program. The guiding questions in this appendix are intended to assist Sponsors with establishing these relationships.

- Does the project relate to the category under which it has applied?
- How does the project relate to surface transportation need?
- Does the proposed project expand travel choices and improve access for the traveling public?

The linkage to existing plans is critical within urbanized areas under the jurisdiction of a Metropolitan Planning Organization (MPO). Other resources and documents to refer to include: information found in municipal Comprehensive/Master Plans, Corridor Plans, Scenic Byway

Appendix B: TAP Program: Eligibility, Requirements, and Rating Criteria

Plans, Regional MPO plans – including bicycle priority routes, NYS Bicycle Routes, and municipal bicycle/pedestrian or Complete Streets plans.

Public Benefit: Local and Regional Impact (20 percent):

This subcategory focuses on the public benefit of the project for the community as a whole, as well as for particular user groups.

- Is there Public and Community Support for the project?
- What is the potential for positive social and economic impacts resulting from the proposed project?

Letters from individuals, resolutions, or other formal actions of support by groups of people are helpful when it is clear that the materials support the proposed project and not just bicycling and walking in general.

Innovation and Creativity (20 percent):

- How does this project consider new approaches or use innovative techniques to address the problem?
- Is the proposed solution cost-effective?

Ability to Deliver the Project (10 percent):

Does the Application content convey that the proposed project will be successfully implemented within 18 months of award? Past performance of a Sponsor for previously awarded federal transportation funds in undertaking and completing the project on schedule, within budget, and in accordance with program rules and regulations can be taken into account.

Allowances *may* be made for past performances of Sponsor on a previous federal aid project, when: 1) the performance was due to circumstances beyond its control; or, 2) where Sponsor can demonstrate that it has corrected policies, procedures, **and** staffing that were deemed to have resulted in the poor performance; and 3) show successful completion of projects since that time.

SECONDARY RANKING FACTORS

In addition to the formal rating criteria described above, raters will be permitted to incorporate into their decisions on the final ranking of eligible projects a secondary set of criteria which includes project type, significance and cost-effectiveness, as well as geographical balance. For instance, projects with the same or very similar numerical scores may be ranked in other than strict numerical order depending on how the reviewers value the mix of project type, judge project significance and cost-effectiveness, and weigh the impact of geographical balance among likely to be funded projects in their region.